

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**UNITED STATES OF AMERICA,**

**v.**

**MARILYN POWELL**

)  
)  
)  
)  
)

**No. 3:05-CR-7  
(Phillips)**

**ORDER**

This matter came before the court on three motions filed by defendant *pro se*: (1) motion to dismiss based on Speedy Trial [Doc. 46]; (2) motion to dismiss case [Doc. 47]; and (3) motion to dismiss indictment [Doc. 48]. Inasmuch as defendant is represented by counsel, these motions will be **DENIED**. The court notes for the record that the time for filing motions in this case expired on March 4, 2005 [see Order on Discovery and Scheduling, Doc. 12].

The court has reconsidered its decision denying plaintiff's motion to withdraw her guilty plea. After reviewing the record in this case and the transcript of the proceedings held on October 13, 2005, the court sees no reason to change the court's earlier finding that defendant has not presented a fair and just reason to allow her to withdraw her plea of guilty. The undersigned was present when defendant signed the plea agreement and the agreed factual basis. The court is convinced that the signature on those documents is defendant's signature. The court also affirms its earlier findings that defendant has not

asserted a defense to the charges, nor has she consistently maintained her innocence. At the time defendant entered her plea of guilty, defendant impressed the court as being quite intelligent and learned. At no time during the change of plea hearing did defendant appear rattled or under any undue pressure. Accordingly, the court affirms its decision denying plaintiff's motion to withdraw her guilty plea.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge